UNITED NATIONS

CCPR

International covenant on civil and political rights

Distr
GENERAL

CCPR/C/74/L/NZL
18 October 2001

Original: ENGLISH

Human Rights Committee
Seventy-fourth session
Geneva, 15 October-2 November 2001

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF NEW ZEALAND (CCPR/C/NZL/2001/4), ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 12 OCTOBER 2001

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. Please provide information on the results of the Consistency 2000 Project and on any significant inconsistencies with the provisions of the Covenant that were identified. Describe the effect of the new Human Rights Amendment Bill and the changes it introduces.

2. Please explain what steps have been taken to protect all Covenant rights under national law in areas where deficiencies have emerged (see paras. 46 and 241). What remedies are available to persons whose rights under the Covenant have not been fully incorporated? In particular, how may a citizen seek remedy in a case of discrimination not covered by the Human Rights Act 1993 or the New Zealand Bill of Rights Act 1990?

3. Please explain further how the State party ensures that new legislative proposals are not consistent with the Covenant. How are the scope and application of the relevant international obligations determined? What measures exist to ensure that new policy and practice, as well as legislation, are consistent with the Covenant (paras. 47 and 48)?

4. Please indicate what steps the State party is taking to consider the withdrawal of its reservations to the Covenant.

Gender equality and the principle of non-discrimination (arts. 3 and 26)

5. Please provide information on the provisions that regulate maternity leave in New Zealand. Describe the efforts that have been made to increase awareness of existing unpaid parental leave rights.

6. What measures are being taken to reduce the gender pay gap (paras. 87 and 88)?

7. What measures have been taken with regard to the Committee's concern (CCPR/C/79/Add.47, para. 182) relating to disadvantages experienced by Maori concerning access to health care, education and employment?

Liberty and security of the person; treatment of prisoners and other detainees; right to a fair trial (arts. 7, 9, 10 and 14)

8. Please provide further information on the Intellectual Disability (Compulsory Care) Bill which was introduced in Parliament in October 1999. In particular, describe the regime the Bill proposes for compulsory detention, how it is to be determined that a patient poses "a substantial risk of danger to others", and what avenues of appeal or review against these decisions is proposed (para. 103).

9. Please provide information on the results of investigations by the Police Complaints Authority into alleged human rights violations and the punishments imposed on members of the police found to have committed these violations, as well as the remedies provided to victims (paras. 97-100).

10. Concerning preventive detention, please describe any measures taken to repeal the provision that permits punishment for possible future crimes. Of those who have been subjected to preventive detention, how many belong to the Maori minority group?

11. What measures have been taken to ensure that private companies contracted to provide prisoner escort and custodial services comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners? Please explain what avenues to establish civil and criminal liability may be pursued by prisoners alleging violations of their rights by private guards (para. 137).

12. How many young offenders are currently imprisoned with adults, and what has been the trend over the reporting period? Please indicate which of the various reasons given in the State party's reservation are invoked in these cases. What criteria are applied in determining that incarceration with adults would be of benefit in a particular case?

13. Please clarify the meaning of the following sentence of paragraph 182 of the report: "... there should be no general defence available to a person charged with possession of an objectionable publication, for example child pornography". How many convictions on such charges have occurred over the reporting period?

Right of aliens (art. 13)

14. Please provide information on the frequency of detention of asylum-seekers and the criteria utilized to determine whether detention is necessary.

Freedom of association (art. 22)

15. What is the effect of the Employment Relations Act 2000 as compared to the Employment Contracts Act 1991 in securing full enjoyment of the right to freedom of association?

16. What are the limits on the right to strike? Please provide information on the frequency of strikes in the country.

Protection of family and children (arts. 23 and 24)

17. Please describe the outcome of the evaluations undertaken by the Ministry of Justice on the Domestic Violence Act 1995 to determine whether the Act's objectives are being met (para. 197).

18. What legislation exists criminalizing trafficking in persons, and have the penalties provided been effective in combating this practice?

19. What measures have been taken to prevent child abuse? Please describe the practical effects of these measures.

Rights of minorities (art. 27)

20. What amendments have been introduced by the Maori Reserved Land Amendment Act, which came into force in January 1998 (para. 281)?

21. What steps is the State party taking to resolve the long-standing dispute on the allocation of Maori fishing assets held by the Treaty of Waitangi Fisheries Commission to tribal and urban Maori?

Dissemination of information about the Covenant (art. 2)

22. Please describe the steps taken to disseminate information on the submission of the reports and their consideration by the Committee, in particular the Committee's concluding

observations. Please also provide information on the education and training on the Covenant and its Optional Protocol provided to government officials, schoolteachers, judges, lawyers and police officials.

23. What measures does the State party have in place to implement decisions of the Committee on communications submitted under the Optional Protocol to the Covenant?

TOKELAU

24 Please provide information regarding the application of the Covenant in the Non-Self-Governing Territory of Tokelau. Have any conflicts arisen between the provisions of the Covenant and the customary law of Tokelau?